

## **Obama Establishes America's First National Oceans Policy (*Environment News Service*)**

WASHINGTON, DC, July 20, 2010 (ENS) - President Barack Obama has established a national ocean policy that will for the first time create a coordinated system for managing America's oceans, coasts and Great Lakes.

In an Executive Order issued Monday, President Obama adopted the final recommendations of the Interagency Ocean Policy Task Force that has been gathering facts and drafting the policy since June 2009.

The order creates a National Ocean Council to implement the new policy.

Marine management under this policy will be "ecosystem-based," which means that regulation of specific activities, such as oil and gas development, will take into account impacts on the broader ecosystems that could be affected.

For the first time, it provides for the development of coastal and marine spatial plans that build upon and improve existing federal, state, tribal, local, and regional decisionmaking and planning processes.

Marine spatial planning is intended to protect ocean ecosystems and minimize conflicts between new and existing ocean uses through science-based decision making and the involvement of stakeholders and the public.

EPA Administrator Lisa Jackson said, "The new national policy provides a clear road map for all federal agencies to work together, with local partners, to protect our vital waters for future generations."

The regional plans "will enable a more integrated, comprehensive, ecosystem-based, flexible, and proactive approach to planning and managing sustainable multiple uses across sectors and improve the conservation of the ocean, our coasts, and the Great Lakes," Obama states in the Executive Order.

"President Obama recognized that our uses of the ocean are expanding at a rate that challenges our ability to manage significant and often competing demands," said Nancy Sutley, chair of the White House Council on Environmental Quality, who led the task force that included 24 senior-level policy officials from across the federal government.

"With a growing number of recreational, scientific, energy, and security activities," said Sutley, "we need a national policy that sets the United States on a new path for the conservation and sustainable use of these critical natural resources."

"As we witness the gut-wrenching devastation in the Gulf of Mexico, this announcement is welcome news for the future health of our oceans," said Bill Eichbaum, WWF vice president for marine policy. "We commend President Obama for his leadership in convening the task force and heeding its recommendations."

In 2003 and 2004, reports issued by the Pew Oceans Commission and the U.S. Commission on Ocean Policy, respectively, warned that poor management and lack of coordination among federal agencies were threatening the health and economic productivity of our oceans, coasts, and Great Lakes.

"This first-of-its kind framework will help our nation plan wisely for the future of our oceans and coastlines, so that we can continue to experience their beauty and bounty for generations to come," said Secretary of the Interior Ken Salazar.

"Today, possibly more so than any point in our nation's history, we appreciate that healthy oceans matter," said Dr. Jane Lubchenco, administrator of the National Oceanic and Atmospheric Administration.

"The Task Force's Final Recommendations provide a balance between protecting and preserving the marine environment, and promoting economic progress," said Admiral Bob Papp, Commandant of the U.S. Coast Guard. "The framework protects the interests of all users, improves ocean stewardship, and provides the foundation for improving maritime governance at the international, regional, state, and local levels."

"The Department of the Navy strongly supports the principles and framework laid out in this new Executive Order," said Donald Schregardus, deputy assistant secretary of the Navy for environment. "Strengthening



the vital link between our global maritime mission and our responsibility to safeguard the environment is a key component to our environmental strategy. The establishment of the National Ocean Council will be important in advancing this strategic priority."

California Governor Arnold Schwarzenegger applauded the move, saying, "The Deepwater Horizon spill has emphasized what a vital role our oceans play in our environment, economy and overall well-being. California has long demonstrated leadership with ocean and coastal protection and we stand ready to continue assisting President Obama at all levels of government to ensure that we safeguard our treasured natural resources."

The National Ocean Council will plan to hold its first meeting later this summer to begin implementing the national policy.

### **House Approps Chairman Supports Funding for 'Civic Activism' on Climate (*New York Times*)**

By GABRIEL NELSON of [Greenwire](#)

The leader of the House appropriations panel that oversees U.S. EPA's budget said he would support additional funding for efforts to spur "civic activism" on environmental issues, including climate change.

Rep. Jim Moran (D-Va.), chairman of the House Interior and Environment Appropriations Subcommittee, met with EPA Administrator Lisa Jackson and other agency leaders today to discuss the Gulf spill response, outreach programs and other agency initiatives. Moran also hosted a town hall session at EPA headquarters, where he said authoritative science and outreach efforts are key to environmental protection.

The Obama administration has recommended \$10 billion for EPA in fiscal 2011, a \$300 million cut. House and Senate appropriators have not moved on budgets for the agency, which received about \$2.7 billion more this year than it did at the end of President George W. Bush's presidency.

"We want to see that increase continue, and as long as EPA stands up and speaks out on behalf of the American public, it will increase," Moran said. "One of the things we were talking about with Administrator Jackson, who said she feels very strongly about this, is EPA needs to have the ability -- to be given the ability -- to outreach more to communities."

Moran said he does not expect a price on carbon to emerge from energy and climate legislation on Capitol Hill this year, making it more urgent that the public understand EPA's work on greenhouse gas regulations.

He referred in particular to the agency's "tailoring" rule, which would limit the number of stationary sources that would be subject to regulations on greenhouse gas emissions. Moran said the recently finalized rule, which would affect the "worst sources of pollution" rather than small businesses, would have wide public support if people knew about it.

"A lot of Congress doesn't even have any idea. They don't realize that it's a very substantial compromise," Moran said. "That kind of information needs to get out, and you have that information. You need to be empowered to get it out, and we have a receptive leadership now that hopefully will give you the means to do so. I don't think the American people wholly understand what's at stake."

Just as health-focused campaigns against smoking led to a steep decline in cigarette use, outreach efforts could produce a new generation of voters who care more about issues such as polluted water, toxic chemicals or climate change, Moran said.

As an example, he pointed to a Northern Virginia program that enables elementary schools to test for chemicals in nearby bodies of water, teaching students about pollution in the process.

"Even more than federal agencies committed to protecting and preserving our environment, what scares some of the big polluters and the big extraction industries, and so on, is civic activism," he said. "They'll pay millions to try to suppress that, but you can't suppress it, and there's no country in the world that has a stronger capability for civic activism than the United States. We just need to inform them and mobilize them."

Moran's visit was part of an effort to learn about the agencies within the purview of his subcommittee, spokeswoman Emily Blout said. Chosen as head of the panel in March after previous Chairman Norm Dicks



(D-Wash.) moved to the Defense subcommittee, Moran intends to hold similar meetings with officials from the Interior Department.

A major fight over EPA regulations would likely arise during the appropriations process one way or the other, meaning the agency's budget may end up being folded into an omnibus package. The subcommittee may not mark up an appropriations bill this year, Moran has said.

Rep. Mike Simpson (R-Idaho), the subcommittee's ranking member, said last month that he was "not real optimistic" about the prospect of a markup ([E&E Daily](#), June 10).

Outreach or 'propaganda'?

During the town hall meeting, Jackson pointed to several examples of outreach at EPA, referring in particular to the agency's "livability" and environmental justice initiatives. She said she also intends to expand outreach on the Emergency Planning and Community Right-to-Know Act, using the Internet and other technology to make more environmental information available at the local and neighborhood levels.

While those sorts of programs would face limited opposition, additional climate change outreach efforts would be a particularly hard sell. When the issue is a political minefield like climate change, political opponents often criticize outreach initiatives, claiming federal agencies should not spend taxpayer money on what are essentially advertising campaigns for the administration's chosen policy.

Marlo Lewis, a senior fellow at the Competitive Enterprise Institute, a free-market advocacy group, said education and outreach campaigns may be used to skirt restrictions on lobbying by federal agencies. On the issue of greenhouse gas regulations, EPA would be particularly prone to "scare tactics" and "propaganda," he said.

"There is some kind of line between simply explaining what you're doing so that the public you're trying to serve can see the benefit of what you're doing, and building a clientele and a constituency to put pressure on Congress," Lewis said. "Whatever opinion you may have on climate change, there is no shortage of information available to the public today. What is EPA going to say beyond what it's already said in its endangerment rule? I don't think you have to do things like scare kids in school so that they come home and lobby their parents."

At one point during the town hall meeting, Jackson interjected to remind officials in attendance about the Hatch Act, a 1939 statute that bars civil servants from taking part in partisan activity.

"As much as we care about those issues, because of the Hatch Act, you don't lobby on those issues," Jackson said.

"Oh yeah, the old Hatch Act. Oh yeah. I forgot to mention it," Moran replied.

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### **Out of sight (*Gainesville Sun*)**

Published: Wednesday, July 21, 2010 at 6:01 a.m.

At first blush, the EPA's newly announced plan for "cleaning-up" Gainesville's only Superfund hazardous waste site seems like a classic example of "out of sight, out of mind."

Instead of digging up the contaminated soil at the old Cabot-Koppers site and hauling it away, the EPA proposes that the soil be permanently contained in a roughly 32-acre concrete structure extending 65 feet into the ground and topped by an impermeable roof.

The EPA wants to turn Gainesville's only Superfund hazardous waste site into a permanent hazardous waste storage facility.

The chief virtue of this plan seems to be that it will save the responsible company, Beazer East, millions of dollars. The chief drawback is, well, Gainesville is stuck with tons of contaminated soil forever.



"They're leaving behind in Gainesville a long-term maintenance issue," Chris Bird, the county's environmental protection chief, told The Sun.

Frankly, we're not surprised. For more than a quarter of a century, the EPA's attitude toward the Koppers site has seemed, at best, to be one of benign neglect. After all these years, Gainesville residents deserve better from the nation's environmental "watchdog."

That's the message city and county officials, and residents and taxpayers, need to send loud and clear when the EPA holds its public hearing on Aug. 5 at 6 p.m. at Stephen Foster Elementary.

"For the community, we'd like to see them haul this stuff out of town," Bird said.

Out of sight, out of mind isn't good enough.

Letter to the editor:

### **Lead paint and NASA (*Tulsa World*)**

Despite the probability that the entire payroll of the National Aeronautics and Space Administration was raised in homes that contained some lead-based paint, and probably cut their teeth on cribs coated with it, NASA put a man on the moon. This accomplishment argues that the IQs of this group were not significantly affected by lead paint as the EPA's propaganda might imply. On the other hand, many officials of the EPA, Housing and Urban Development and the Consumer Product Safety Commission who were instrumental in proposing lead paint regulations were also raised in homes containing it. If we are to believe that IQs can be adversely affected by lead paint, it may be reflected in the fruits of their labor. It also raises the proposition that those whose IQs were not adversely affected proceeded to NASA, and those who were found their calling at the other agencies. Regardless, lead-based paint is similar to many common household hazards: Its threat is diminished once it is recognized as a hazard. If reason prevails, unwarranted abatement protocols such as those associated with asbestos <sup>^</sup>- can be avoided. Letters to the editor are encouraged. Each letter must be signed and include an address and a telephone number where the writer can be reached during business hours. Addresses and phone numbers will not be published. Letters should be a maximum of 250 words to be considered for publication and may be edited for length, style and grammar. Letters should be addressed to Letters to the Editor, Tulsa World, Box 1770, Tulsa, Okla., 74102, or send e-mail to [letters@tulsaworld.com](mailto:letters@tulsaworld.com).

### **Breathing Problems (*E Magazine*)**

The EPA is Behind Schedule on Reducing Toxic Air Pollution, Putting Americans at Risk

By Trip Van Noppen

The U.S. Environmental Protection Agency has fallen far behind in one of its most important responsibilities: to protect the American public from toxic air pollutants. Recently, the New York Times reported on a new study from the agency's Inspector General which found that the EPA is currently violating federal law by failing to put these protections in place. Because of the EPA's failures to set vital clean air standards, millions of Americans still face appallingly high risks of cancer, birth defects and other devastating illness—all because of exposure to toxic air pollution that can and should be controlled.

This grim news does not result from an oversight or an accident. As the EPA recognized in its response to the report, the Bush administration intentionally cut the agency's budget for controlling toxic air emissions by 70%. Time was spent instead on reducing protections: a federal court observed in 2006 that the EPA under Bush was "devot[ing] substantial resources to discretionary rulemakings, many of which make existing regulations more congenial to industry, and several of which since have been found unlawful."

It is hardly surprising that when the Bush administration cut the budget for reducing toxic air emissions by more than half, the staff could not do their job. As a result, health protections that Congress required the EPA to issue years ago have never been put in place, the toxic pollution continues unabated, and people go on suffering unnecessarily. One key statistic on that suffering: the Inspector General reports that "1 in every 28,000 people could develop cancer from air toxics exposure."

### **Winds of Change**



Fortunately, the current leadership at the EPA is turning the ship around. In response to the Inspector General report, the agency offers some hope: “[We] agree that much remains to be done to ensure healthy, clean air for all Americans, particularly those living in urban areas where emission sources can be more concentrated and those living in communities near facilities emitting [hazardous air pollutants].” And the agency is not offering just words; it already has rescinded some of the more egregious loopholes on which the Bush administration misspent the taxpayers’ resources, and it has taken new steps to control some of the worst toxic polluters, such as cement kilns and medical waste incinerators.

The EPA has several upcoming opportunities to demonstrate its commitment to cutting toxic air pollution. It will reconsider a dangerous loophole, declared illegal by a federal court, that allowed major industrial polluters to violate emission standards with impunity by claiming that their equipment “malfunctioned.” Toxic air pollution during these events could increase to as much as ten times allowable levels.

The agency will also continue its work to control emissions from power plants, the largest unregulated industrial source of toxic air pollution in the United States. After more than a decade of delay, a coalition of environmental groups secured an agreement from the EPA last year to issue strict new rules by November 2011. Following through on this undertaking in the face of mounting utility and coal industry opposition is a key test of the agency’s renewed focus on protecting Americans from toxic air.

And the EPA will issue final rules later this summer to control toxic air pollution from cement kilns. The agency must maintain its commitment to strong reductions, which will prevent thousands of premature deaths every year and clean up 16,000 pounds of mercury annually from these polluters, a decrease of nearly 93%.

### **Building a Stronger EPA**

But these measures alone are not enough. Controlling toxic air emissions is at the core of the EPA’s mission, and it needs to be funded fully. The Bush administration’s scheme to hold up pollution control efforts by starving them of funds needs to be reversed now. As the Inspector General’s report makes clear, the EPA is still far behind on meeting its statutory obligations and still lacks the basic data it needs to assess and control the health hazards that toxic air emissions present.

As long as toxic air looms over communities nationwide, the EPA will have a responsibility to protect people from it. EPA Administrator Lisa Jackson has said that air quality and environmental justice are chief concerns for progress during her time at the EPA. To make this progress a reality for communities nationwide, we encourage her to do whatever is necessary to rectify the agency’s past mistakes and build a robust program to clean up toxic air. Americans cannot afford to wait another decade or more for the EPA to fully control toxic air pollution and enact the basic health protections that Congress intended to take effect years ago.

TRIP VAN NOPPEN is the President of Earthjustice.

### **Krauthammer: 'A warning for Republicans —don't underestimate Barack Obama' (*Statesman Journal*)**

By CHARLES KRAUTHAMMER • July 21, 2010

WASHINGTON — In the political marketplace, there's now a run on Obama shares.

The left is disappointed with the president. Independents are abandoning him in droves. And the right is already dancing on his political grave, salivating about November when, his own press secretary admitted a week ago, Democrats might lose the House.

I have a warning for Republicans: Don't underestimate Barack Obama.

Consider what he has already achieved. Obamacare alone makes his presidency historic. It has irrevocably changed one-sixth of the economy, put the country inexorably on the road to national health care and, as acknowledged by Senate Finance Committee Chairman Max Baucus but few others, begun one of the most massive wealth redistributions in U.S. history.

Second, there is major financial reform, which passed Congress on Thursday. Economists argue whether it will prevent meltdowns and bailouts as promised. But there is no argument that it will give the government unprecedented power in the financial marketplace. Its 2,300 pages will create at least 243 new



regulations that will affect not only, as many assume, the big banks but just about everyone including, as noted in one summary (The Wall Street Journal), "storefront check cashiers, city governments, small manufacturers, homebuyers and credit bureaus."

Third is the near \$1 trillion stimulus, the largest spending bill in U.S. history. And that's not even counting nationalizing the student loan program, regulating carbon emissions by EPA fiat, and still-fitful attempts to pass cap-and-trade through Congress.

But Obama's most far-reaching accomplishment is his structural alteration of the U.S. budget. The stimulus, the vast expansion of domestic spending, the creation of ruinous deficits as far as the eye can see are not easily reversed.

These are not mere temporary countercyclical measures. They are structural deficits because, as everyone from Obama on down admits, the real money is in entitlements, most specifically Medicare and Medicaid. But Obamacare freezes these out as a source of debt reduction. Obamacare's \$500 billion in Medicare cuts and \$600 billion in tax increases are siphoned away for a new entitlement — and no longer available for deficit reduction.

The result? There just isn't enough to cut elsewhere to prevent national insolvency. That will require massive tax increases — most likely a European-style value-added tax. Just as President Reagan cut taxes to starve the federal government and prevent massive growth in spending, Obama's wild spending — and quarantining health-care costs from providing possible relief — will necessitate huge tax increases.

The net effect of 18 months of Obamaism will be to undo much of Reaganism. Both presidencies were highly ideological, grandly ambitious and often underappreciated by their own side. In his early years, Reagan was bitterly attacked from his right. (Typical Washington Post headline: "For Reagan and the New Right, the Honeymoon Is Over" — and that was six months into his presidency!) Obama is attacked from his left for insufficient zeal on gay

## **W.Va. governor says he'll run for Byrd seat (*Greenwire*)**

(07/20/2010)

Alex Kaplun, E&E reporter

West Virginia Gov. Joe Manchin announced today that he will run for the seat left vacant by the death of Sen. Robert Byrd (D-W.Va.), a long-anticipated move that makes the popular two-term Democrat the immediate favorite in the contest.

"If I am so fortunate and honored to have the support of the people of West Virginia," Manchin said at a news conference this morning in reference to Byrd, according to the Associated Press. "I can't fill his shoes; I can only hope to follow his footsteps and serve the people of West Virginia as best I can."

Byrd, the longest-serving senator in U.S. history, died June 28 at age 92.

Manchin's run was expected, but the governor waited until state officials had sorted out the schedule for the special election before formally tossing his hat into the ring. Manchin signed a bill into law last night that sets the special primary election for Aug. 28 and a special general election for Nov. 2.

The winner of the special election will take over immediately and would serve out the two years left on Byrd's term before potentially running for re-election in 2012. In the meantime, Manchin has appointed former aide Carte Goodwin to serve as interim senator. Goodwin has said he has no intention of running for the seat.

Manchin appears to start the race as the heavy front-runner. He won his second term in the governor's mansion in 2008 with 70 percent of the vote and continues to hold high approval ratings in West Virginia.

Democrats in Washington this morning rallied around Manchin, describing him as a fiscal conservative who has a history of job creation in West Virginia.

"Under Manchin's leadership, West Virginia has been praised for fiscal conservatism, all while he has cut taxes for West Virginia business and families," Sen. Bob Menendez (D-N.J.), chairman of the Democratic



Senatorial Campaign Committee, said today. "Joe Manchin has a record of job creation and fiscal responsibility and will continue to be a strong independent voice for West Virginia in the U.S. Senate."

Manchin does break with President Obama and the Senate Democratic leadership on one major issue: cap and trade. The governor has been a vocal critic of the policy and has even backed the Senate resolution that would have curtailed U.S. EPA's ability to regulate greenhouse gas emissions.

Republicans, meanwhile, have made it clear that they do not intend to concede the seat and this morning went on the offensive against the governor.

"By breaking his promise to serve a full term as Governor even if a Senate vacancy existed, Joe Manchin has made clear that his own political self-interests are more important than keeping his word to the people of West Virginia," National Republican Senatorial Committee spokesman Brian Walsh said in a statement. "It's also clear that, if elected, Joe Manchin will be a loyal rubber stamp for President Obama's reckless spending agenda in Washington."

Even before Manchin announced he would run, the state GOP took out ads in local newspapers attacking Manchin for being closely linked to Obama and Senate Democratic leaders.

Republican hopes of capturing the seat may hang on Rep. Shelley Moore Capito, who has not yet announced whether she would run but who is regarded as the GOP's strongest potential candidate.

Republicans in the West Virginia Legislature forced a change in the special election law that would allow someone to run for both the Senate special election and the regularly scheduled election. West Virginia traditionally bans candidates from running for two offices at once.

The filing period for the special election ends in four days, so Capito will have to make her decision by the end of the week.

Democrats have held both West Virginia Senate seats for more than 50 years. The state's other senator, Jay Rockefeller, has held his seat since 1985.

### **Messy cleanup of BP oil spill damages the Gulf (*Associated Press*)**

**Story also appeared: *Chicago Sun Times***

July 21, 2010 Wednesday 9:46 AM GMT

DOMESTIC NEWS

Messy cleanup of BP oil spill damages the Gulf

By CAIN BURDEAU, Associated Press Writer

FOURCHON BEACH La.

The 5,600 vessels taking part in the oil spill operation on the Gulf of Mexico make up the largest fleet assembled since the Allied invasion of Normandy, according to the Coast Guard.

Hordes of helicopters, bulldozers, Army trucks, ATVs, barges, dredges, airboats, workboats, cleanup crews, media, scientists and volunteers have descended on the beaches, blue waters and golden marshes of the Gulf Coast.

That's a lot of propellers, anchors, tires, and feet for a fragile ecosystem to take, and a tough truth is emerging: In many places, the oil cleanup itself is causing environmental damage.

Part of that is inevitable the oil has to get cleaned up somehow, and BP and the government will be subject to second-guessing no matter what.

"Absolutely nothing you do to respond to an oil spill is without impacts of its own," said Lisa Jackson, administrator of the Environmental Protection Agency.

Since the Deepwater Horizon rig exploded April 20, killing 11, and oil began gushing into the Gulf, federal, state and BP officials say they have been guided in their response by picking the less damaging cleanup method.

Still, environmentalists and veterans of other spills say the torrent of untested cleanup methods rushed into



practice by panicked officials and unqualified experts is wreaking havoc and, at least in spots, may be unnecessary.

"The more you disperse (with chemicals), the more you bring in these big machines, the more you bring in inexperienced people and the more sand berms you build, the less chance you have of letting Mother Nature and skimmers and booms do the job," said Mike Brewer of Buras, La., who ran an oil spill response company and is working on the BP cleanup.

For starters, the EPA allowed BP PLC to spray a chemical dispersant, a product called Corexit, to break up oil right as it came out of BP's broken well nearly a mile below the surface. The idea is to save shorelines from being clobbered with vast waves of crude.

In practice, the use of dispersants that had never been tested that far beneath the surface has made the oil much more difficult to track than it would have been in a single, massive slick. And environmentalists and marine biologists still aren't convinced the chemicals are safe for sea life.

The EPA halted underwater spraying while it tested samples collected by BP, then allowed it to resume once the results came back to the agency's satisfaction. Further tests are ongoing, and crews quit spraying dispersant once the well was contained this week, Jackson said.

"Basically, we conducted uncontrolled experiments in the open ocean that does not seem like a good idea to me," said John Hocevar, the oceans campaign director for Greenpeace USA.

Jackson said there was little evidence that the chemical dispersants had caused damage and called their effects "relatively mild."

Eager to be seen as taking charge, Gov. Bobby Jindal began building a series of untested sand islands and other barriers along the Louisiana coast, making construction of these berms a personal crusade. In theory, sand berms and jetties will stop the oil from entering sensitive estuaries.

But berms and jetties interrupt shrimp and fish migrations as well as tidal flows; the work can even undermine what little is left of Louisiana's gooey and sediment-layered shoreline.

"None of the coastal scientists have signed onto this thing," said Leonard Bahr, a former adviser to both Republican and Democratic governors in Louisiana on coastal restoration issues.

Fishermen and locals, however, almost unanimously agree with Jindal's unorthodox barrier plans.

"We know these (berms) stop the oil. It worked on Fourchon Beach," said Windell Curole, a levee manager in south Lafourche Parish, an area long struggling with erosion. "The people that are pushing for these things are more invested in it than the scientists."

In a move that put its compensation costs toward curtailing the spill's environmental effects, BP hired truckloads of inexperienced oil spill responders shrimpers, unemployed workers, college students, and migrant workers. The manpower is essential, but their footprint can be huge, especially if they're not used to watching their step.

"It was like the Wild West there for a while, and it still is to some degree," said Drew Wheelan, a wildlife biologist with the American Bird Association Inc., a conservation group.

Wheelan said cleanup crews trampled on numerous nesting bird colonies, including at least one batch of least tern eggs he saw. Wilson's plovers and endangered black skimmers on Louisiana's Grand Isle and East Grand Terre islands were threatened by intensive beach cleanups.

"The whole entire area in the past two weeks has been completely crisscrossed by tire tracks. The entire cleanup there has been entirely sickening," Wheelan said recently of East Grand Terre. "There are tire tracks from the low tide line all the way up into the dune vegetation. Not an inch of that frontal beach has been spared from traffic."

Out on the Gulf, BP brought in a super-sized skimmer from Taiwan the "A Whale" capable of sucking up 20 million gallons of water a day, aiming to corral huge quantities of oiled water at once. Like some of the other methods, it had never been tested and scientists worried that it could cause serious damage.



"It will suck in a lot of biology," said James Cowan, a Louisiana State University fisheries scientist.

Coast Guard officials questioned its effectiveness, noting that it would be better for attacking a single huge slick than for the countless smaller pools that the dispersant helped create. Authorities announced last week that the massive ship was dropping out of the spill operation.

Forrest Travirca has seen the cleanup's side effects up close as a land manager for the Wisner estate, a public land trust that includes Fourchon Beach and a large marsh area that has seen some of the heaviest oil so far.

On an airboat cruise through marsh, signs of the messy cleanup jumped out. Reddish-brown and sticky tar coated the blades of marsh grass behind a beach lined with sand baskets brought in by Army dump trucks. Absorbent boom lay washed up against shorelines. Crews had staked down shade tents every few hundred yards.

Almost as soon as he stepped onto the sand, Travirca saw something he didn't like: Two ATV tracks meandering carefree across the sands. Someone with the cleanup had strayed from designated traffic corridors.

"This really upsets me," Travirca said, standing over the fresh set of tracks. "They're not supposed to be driving back here. They've got to drive along the front of the beach. Birds nest back here."

He walked a few paces away and pointed out another set of ATV tracks he discovered a few days before. "This track here was inches from a tern nest with eggs."

At least now, more than three months after the spill, the cleanup is becoming more organized.

In the beginning, he said, the beach "looked like the autobahn."

### **How Has BP's Oily Waste Escaped 'Hazardous' Label? (*New York Times*)**

After 92 days of disaster, images of Gulf Coast fishermen laying boom and workers sponging crude from the shore now border on iconic. But the next chapter in recovering from the historic gusher presents a task less often photographed: disposing of all that oil-soaked waste.

The transportation of cleanup debris is fraught with political and scientific hurdles, from residents' complaints over storage in Gulf-area landfills to the sampling of chemicals that could leach from the litter. While BP PLC is required to abide by federally approved waste management plans, no trash so far has been slapped with an official 'hazardous' designation that would require stricter controls on disposal.

The thousands of tons of waste must go somewhere, to be sure. Still, some Gulf locals and environmental advocates question the disconnect between the seemingly obvious public health risks of the lingering mess - even after any usable oil is extracted from the waste -- and the inability to label BP's trash as hazardous. 'It might not be listed as hazardous material, [but] any oil is going to be hazardous,' said William Fontenot, who spent more than two decades as an environmental liaison for the Louisiana attorney general's office. 'I don't care what the regulations say.' A 1988 U.S. EPA regulation exempts oil exploration and production waste from hazardous handling standards created by the federal Resource Conservation and Recovery Act, or RCRA. That carve-out 'was a political decision' rather than a technical determination, recalled EPA veteran Hugh Kaufman, a senior policy analyst in the agency's Office of Solid Waste and Emergency Response.

In a later release on its move, EPA acknowledged that 'although [oiled debris] are relieved from regulation as hazardous wastes, the exemption does not mean these wastes could not present a hazard to human health and the environment if improperly managed.' Asked if the RCRA loophole for oil waste is being invoked to determine that Gulf of Mexico trash is nonhazardous, an EPA spokeswoman said that BP's waste plans call for the company to test its trash weekly and that EPA is also conducting its own twice-monthly assessments. 'EPA's review of waste sampling data to date has found no samples that are hazardous,' the spokeswoman said via e-mail. 'If the waste is determined to be hazardous, it will be sent to a designated hazardous waste treatment, storage or disposal facility.' The Coast Guard and EPA followed up with a June



29 directive giving BP five days to produce a waste tracking plan that included the online release of its trash testing results. The only waste sampling data on the company's website, however, are a sample analysis (pdf) for 14 chemicals and a summary (pdf) of the volumes of trash generated in each category.

The EPA spokeswoman said 'BP has just submitted its initial response' to the June 29 edict and would have seven days to implement its final waste plan after federal and state agencies respond. EPA's twice-monthly waste tests are set for public release after undergoing an internal review.

That delay in disseminating waste test results concerned Rena Steinzor, a University of Maryland law professor who also advocates for stronger regulations as chief of the Center for Progressive Reform. 'It's ridiculous that the tests are not public and the opinions [underlying the nonhazardous designation] are not public,' Steinzor said. 'Any lack of transparency in this area is a huge mistake for EPA and the administration to make.' Natural Resources Defense Council senior scientist Allen Hershkowitz gave EPA a wide berth to send oil-spill trash to lined municipal landfills while the Gulf remains in crisis mode -- so long as that is not 'the last step of management.' 'Landfills ultimately leak,' Hershkowitz said. 'In the short term, they may be properly designed, but in the long term, liners break down.' Given the potential risk of 'liners designed for household waste being saturated with industrial waste,' he added, officials should consider processing spill waste through a hazardous combustor with controls on generated air pollution.

Subjecting oiled trash to hazardous disposal or storage standards 'would triple or quadruple the cost' of cleaning up the gusher, EPA's Kaufman estimated.

#### Community questions

At least one Gulf Coast county is resisting the prospect of oil-spill trash coming to its local landfill. Mississippi's Harrison County is conducting its own sampling of the litter slated for storage within its borders and has asked BP and EPA for their waste test results, according to Connie Rockco, president of the county board of supervisors. 'Why should BP use our valuable landfill space that we have set aside for our municipality and our residents for their oil, which is their responsibility?' Rockco said. 'That's a big issue for local people. Our constituents feel they have somewhat been dumped on out in the frontyard, in our beautiful Gulf ... [and] now they want to take it and put it in our backyard.' Harrison County has little recourse to fight the disposal of spill trash in its Pecan Grove landfill, whose private owner agreed to accept nonhazardous waste from BP. But Rockco is not the only voice urging federal officials to keep watch on the environmental justice fears raised among Gulf residents coping with waste management.

The state-recognized Indian tribe United Houma Nation is concerned that oiled trash could make its way into an open pit site near its home in southeastern Louisiana, principal chief Brenda Dardar Robichaux told the House Natural Resources Committee last month. 'We do not want these materials disposed of in our communities, and we would respectfully request that this law be changed to protect all U.S. citizens from exposure to these harmful chemicals,' Robichaux testified.

One way to begin arming localities with better waste-management tools in the wake of spills, in the view of New Mexico environment secretary Ron Curry, would be rolling back the 1988 RCRA exemption for oil waste and another exemption for oil and gas from Superfund law. 'I'm not saying that if these exemptions were gone, the spill in the Gulf would have not occurred,' Curry said. 'But what it signifies is ... at the state and federal level, how strong the oil industry's input is.' If state officials want to take a firmer hand in protecting local groundwater from toxic trash, Curry added, 'these laws stand in your way.'

#### **Metro Washington, DC-Area Firm Mobilizes Resources to Assess Gulf Oil Spill from Land, Sea and Air (*Miami Herald*)**

Posted on Tuesday, 07.20.10

Multidisciplinary workforce helping to monitor impact of spill and cleanup operations

FAIRFAX, Va., July 20 -- /PRNewswire/ -- Consolidated Safety Services, together with its subsidiary Dynamac Corporation, (CSS-Dynamac) today announced that it has deployed scientists, data analysts, IT specialists, and technicians to the Gulf coast in support of the U.S. Environmental Protection Agency (EPA) and the National Oceanic and Atmospheric Administration (NOAA), and in coordination with the U.S. Coast Guard. Working under five separate contracts, CSS-Dynamac is assisting with assessment of air and water quality, spill reconnaissance, and shoreline cleanup in the Gulf States of Alabama, Florida, Louisiana,



Mississippi and Texas. CSS-Dynamac began placing qualified personnel in the field within 24 hours of its first response request. The company continues to train new personnel, drawing from the Gulf community and those impacted by the spill, for rotation into the field and as standbys for new deployments. In support of EPA and NOAA's missions, CSS-Dynamac is now contributing to three critical oil spill response efforts:

#### Oil and Dispersant Detection and Measurement

For EPA's National Decontamination Team, CSS-Dynamac supports the Airborne Spectral Photometric Environmental Collection Technology (ASPECT) program, which is being flown to help determine the location and movement of the oil. This information is then being utilized by the U.S. Coast Guard to position oil skimmer ships in the Gulf. Dr. Robert Kroutil, a scientist with CSS-Dynamac, modified the existing technology originally designed to detect chemical and radiological contamination to be used for detecting oil in water. Under another contract, CSS-Dynamac analytical chemists, operating mobile high-throughput analytical laboratories in support of EPA's Office of Emergency Management, are working to develop and implement new analytical procedures for detecting oil dispersant chemicals in seawater.

#### Data Management – Remote Sensing and Environmental Sampling

For NOAA, CSS-Dynamac personnel are working across the Gulf area on-board ships with mobile labs to collect and analyze subsurface oil and water chemistry samples in the deeper waters of the Gulf. The CSS-Dynamac personnel collect and analyze raw data from environmental samples and remote sensing (satellite) to create maps to better predict and respond to any threats that subsurface oil could pose to Gulf communities, fishing grounds, and ecosystems. For EPA, CSS-Dynamac also uploads the data collected from the ASPECT flights onto the Google Earth product, where it can be accessed by the public.

#### Shoreline Assessment

CSS-Dynamac personnel have undergone Shoreline Cleanup Assessment Teams (SCAT) training, and are trained in Emergency Response and hazardous waste operations. The SCAT assess and characterize affected beachfronts in terms of topography, beach type and surroundings. They record in detail where and what type of oil is present to help document the temporal and spatial changes in oil distribution and to develop cleanup recommendations that will have minimal impact to the environment. Each SCAT is comprised of a Federal representative, a State representative or responsible party and a field scientist. The CSS-Dynamac SCAT-trained field scientists are currently awaiting deployment.

"We take pride in our ability to mobilize qualified people and get them trained and deployed in situations such as this," says Doug Britt, President and COO of CSS-Dynamac, "Our entire corporate management team is trained in the Nation's Incident Command System and our strong science core and flexibility helps us get the right people to the right places as fast as possible."

Captain John Cardarelli II, US Public Health Service and EPA Work Assignment Manager, stated CSS-Dynamac's "willingness to get involved and pick up tasks outside their normal duties has helped the ASPECT Program and the Agency adjust to the many demands of the response. We continue to be impressed with their support to the Program and the National Decontamination Team."

#### About CSS-Dynamac

Consolidated Safety Services (CSS) and the Dynamac Corporation (Dynamac), two award-winning companies with long and interrelated histories, were formally united with the acquisition of Dynamac by CSS earlier this year. The combined resources and capabilities of CSS-Dynamac offer its customers extraordinary expertise in science programs support, environmental health & safety, environmental compliance & management, transportation safety & security, and emergency response & disaster recovery. CSS-Dynamac applies science and technology to create a healthier, safer and environmentally sustainable future. For more information about CSS-Dynamac services and solutions, call 703.691.4612 or visit the CSS-Dynamac web site at [www.CSS-Dynamac.com](http://www.CSS-Dynamac.com).

#### **Florida oil spill update: Charlie Crist reminds Floridians no plans to use dispersants in Florida (Examiner.com)**

July 20, 8:37 PM · Charisse Van Horn - Tampa Gulf Oil Spill Examiner



Florida oil spill update: Charlie Crist reminds Floridians no plans to use dispersants in Florida  
Florida Governor Charlie Crist reminded citizens that there are no plans to use dispersants in Florida regarding the oil spill. It has been 92 days since the oil spill catastrophe and those in the northern region of Florida have dealt with the impact of the oil as it washed ashore. Those in other areas of the state, including the Tampa Bay area, have felt the oil spill's impact through lost wages and a general halting of the fishing and seafood industry.

Governor Crist stated in a release, There are currently no plans to use dispersants in Florida. If dispersants are ever considered in state waters, the determination to use the chemical would be evaluated by DEP with input from the Florida Fish and Wildlife Conservation Commission's Florida Wildlife Research Institute and the U.S. Environmental Protection Agency (EPA).

Dispersants are a chemical used to break up oil into small droplets so that they are more easily degraded. This chemical is most effective against fresh oil, unlike the weathered oil impacts Florida has seen in its waters."

Though the EPA and the United States Coast Guard have authorized BP to use dispersants in federal waters, Governor Crist states that the amount of dispersants used has declined significantly since July 15, 2010. He also reminds Floridians that the EPA continues to aggressively monitor the use of chemical dispersants.

You may see the links below for more information regarding the EPA's monitoring of the use of dispersants.

### **Messy cleanup of BP oil spill damages the Gulf (*Associated Press*)**

By CAIN BURDEAU (AP)  
FOURCHON BEACH, La. — The 5,600 vessels taking part in the oil spill operation on the Gulf of Mexico make up the largest fleet assembled since the Allied invasion of Normandy, according to the Coast Guard.

Hordes of helicopters, bulldozers, Army trucks, ATVs, barges, dredges, airboats, workboats, cleanup crews, media, scientists and volunteers have descended on the beaches, blue waters and golden marshes of the Gulf Coast.

That's a lot of propellers, anchors, tires, and feet for a fragile ecosystem to take, and a tough truth is emerging: In many places, the oil cleanup itself is causing environmental damage.

Part of that is inevitable — the oil has to get cleaned up somehow, and BP and the government will be subject to second-guessing no matter what.

"Absolutely nothing you do to respond to an oil spill is without impacts of its own," said Lisa Jackson, administrator of the Environmental Protection Agency.

Since the Deepwater Horizon rig exploded April 20, killing 11, and oil began gushing into the Gulf, federal, state and BP officials say they have been guided in their response by picking the less damaging cleanup method.

Still, environmentalists and veterans of other spills say the torrent of untested cleanup methods rushed into practice by panicked officials and unqualified experts is wreaking havoc and, at least in spots, may be unnecessary.

"The more you disperse (with chemicals), the more you bring in these big machines, the more you bring in inexperienced people and the more sand berms you build, the less chance you have of letting Mother Nature and skimmers and booms do the job," said Mike Brewer of Buras, La., who ran an oil spill response company and is working on the BP cleanup.



For starters, the EPA allowed BP PLC to spray a chemical dispersant, a product called Corexit, to break up oil right as it came out of BP's broken well nearly a mile below the surface. The idea is to save shorelines from being clobbered with vast waves of crude.

In practice, the use of dispersants that had never been tested that far beneath the surface has made the oil much more difficult to track than it would have been in a single, massive slick. And environmentalists and marine biologists still aren't convinced the chemicals are safe for sea life.

The EPA halted underwater spraying while it tested samples collected by BP, then allowed it to resume once the results came back to the agency's satisfaction. Further tests are ongoing, and crews quit spraying dispersant once the well was contained this week, Jackson said.

"Basically, we conducted uncontrolled experiments in the open ocean — that does not seem like a good idea to me," said John Hocevar, the oceans campaign director for Greenpeace USA.

Jackson said there was little evidence that the chemical dispersants had caused damage and called their effects "relatively mild."

Eager to be seen as taking charge, Gov. Bobby Jindal began building a series of untested sand islands and other barriers along the Louisiana coast, making construction of these berms a personal crusade. In theory, sand berms and jetties will stop the oil from entering sensitive estuaries.

But berms and jetties interrupt shrimp and fish migrations as well as tidal flows; the work can even undermine what little is left of Louisiana's gooey and sediment-layered shoreline.

"None of the coastal scientists have signed onto this thing," said Leonard Bahr, a former adviser to both Republican and Democratic governors in Louisiana on coastal restoration issues.

Fishermen and locals, however, almost unanimously agree with Jindal's unorthodox barrier plans.

"We know these (berms) stop the oil. It worked on Fourchon Beach," said Windell Curole, a levee manager in south Lafourche Parish, an area long struggling with erosion. "The people that are pushing for these things are more invested in it than the scientists."

In a move that put its compensation costs toward curtailing the spill's environmental effects, BP hired truckloads of inexperienced oil spill responders — shrimpers, unemployed workers, college students, and migrant workers. The manpower is essential, but their footprint can be huge, especially if they're not used to watching their step.

"It was like the Wild West there for a while, and it still is to some degree," said Drew Wheelan, a wildlife biologist with the American Bird Association Inc., a conservation group.

Wheelan said cleanup crews trampled on numerous nesting bird colonies, including at least one batch of least tern eggs he saw. Wilson's plovers and endangered black skimmers on Louisiana's Grand Isle and East Grand Terre islands were threatened by intensive beach cleanups.

"The whole entire area in the past two weeks has been completely crisscrossed by tire tracks. The entire cleanup there has been entirely sickening," Wheelan said recently of East Grand Terre. "There are tire tracks from the low tide line all the way up into the dune vegetation. Not an inch of that frontal beach has been spared from traffic."

Out on the Gulf, BP brought in a super-sized skimmer from Taiwan — the "A Whale" — capable of sucking up 20 million gallons of water a day, aiming to corral huge quantities of oiled water at once. Like some of the other methods, it had never been tested and scientists worried that it could cause serious damage.

"It will suck in a lot of biology," said James Cowan, a Louisiana State University fisheries scientist.

Coast Guard officials questioned its effectiveness, noting that it would be better for attacking a single huge slick than for the countless smaller pools that the dispersant helped create. Authorities announced last week that the massive ship was dropping out of the spill operation.



Forrest Travirca has seen the cleanup's side effects up close as a land manager for the Wisner estate, a public land trust that includes Fourchon Beach and a large marsh area that has seen some of the heaviest oil so far.

On an airboat cruise through marsh, signs of the messy cleanup jumped out. Reddish-brown and sticky tar coated the blades of marsh grass behind a beach lined with sand baskets brought in by Army dump trucks. Absorbent boom lay washed up against shorelines. Crews had staked down shade tents every few hundred yards.

Almost as soon as he stepped onto the sand, Travirca saw something he didn't like: Two ATV tracks meandering carefree across the sands. Someone with the cleanup had strayed from designated traffic corridors.

"This really upsets me," Travirca said, standing over the fresh set of tracks. "They're not supposed to be driving back here. They've got to drive along the front of the beach. Birds nest back here."

He walked a few paces away and pointed out another set of ATV tracks he discovered a few days before. "This track here was inches from a tern nest with eggs."

At least now, more than three months after the spill, the cleanup is becoming more organized.

In the beginning, he said, the beach "looked like the autobahn."

### **Group Says EPA Air Tests Not Good Enough (*WDSUNew Orleans*)**

Louisiana Bucket Brigade Finds Fault With Oil Spill Air Quality Tests

POSTED: 2:08 pm CDT July 20, 2010

UPDATED: 4:07 pm CDT July 20, 2010

NEW ORLEANS -- Since the oil spill disaster began on April 20, the Environmental Protection Agency has tested air samples on the Gulf Coast to ensure air quality for folks working and living around the spill.

But the Louisiana Bucket Brigade is now pointing out holes in their testing system.

"The Gulf Coast is a pretty vast area, and they are trying to sample across a thousand miles and they just don't have the capacity to do it," said Anne Rolfes of the Louisiana Bucket Brigade.

Most results from the EPA show air quality is good, with a few areas like Grand Isle testing as a moderate health risk.

But the Bucket Brigade said it has taken both health and odor complaints across the region, and many of those are coming from areas without an air quality monitor.

"There are lots of reasons for that. Wind direction is important and the placement of EPA monitors were for convenience, maybe where there was power," Rolfes said.

That's why the Bucket Brigade is asking the EPA to hire local people to sample the air in places where it can't go.

"It's important to expand the number of sites where monitoring can take place, especially when there's odor complaints. You can have monitoring done immediately after smelling the odor," said Dr. Earthea Nance with the University of New Orleans.

The EPA said it is already beefing up stationary and mobile command centers along with mobile laboratories that analyze air from various sources.

If you'd like to report a health or odor complaint to the Bucket Brigade, you can text it to 2727-OIL, or you can file a complaint at [www.labucketbrigade.org/](http://www.labucketbrigade.org/) or [www.epa.gov/bpspill/air.html#datarep](http://www.epa.gov/bpspill/air.html#datarep).



## How has BP waste escaped 'hazardous' label? (Greenwire)

(07/20/2010)

Elana Schor, E&E reporter

After 92 days of disaster, images of Gulf Coast fishermen laying boom and workers sponging crude from the shore now border on iconic. But the next chapter in recovering from the historic gusher presents a task less often photographed: disposing of all that oil-soaked waste.

The transportation of cleanup debris is fraught with political and scientific hurdles, from residents' complaints over storage in Gulf-area landfills to the sampling of chemicals that could leach from the litter. While BP PLC is required to abide by federally approved waste management plans, no trash so far has been slapped with an official "hazardous" designation that would require stricter controls on disposal.

The thousands of tons of waste must go somewhere, to be sure. Still, some Gulf locals and environmental advocates question the disconnect between the seemingly obvious public health risks of the lingering mess - even after any usable oil is extracted from the waste -- and the inability to label BP's trash as hazardous.

"It might not be listed as hazardous material, [but] any oil is going to be hazardous," said William Fontenot, who spent more than two decades as an environmental liaison for the Louisiana attorney general's office. "I don't care what the regulations say."

A 1988 U.S. EPA regulation exempts oil exploration and production waste from hazardous handling standards created by the federal Resource Conservation and Recovery Act, or RCRA. That carve-out "was a political decision" rather than a technical determination, recalled EPA veteran Hugh Kaufman, a senior policy analyst in the agency's Office of Solid Waste and Emergency Response.

In a later release on its move, EPA acknowledged that "although [oiled debris] are relieved from regulation as hazardous wastes, the exemption does not mean these wastes could not present a hazard to human health and the environment if improperly managed." Asked if the RCRA loophole for oil waste is being invoked to determine that Gulf of Mexico trash is nonhazardous, an EPA spokeswoman said that BP's waste plans call for the company to test its trash weekly and that EPA is also conducting its own twice-monthly assessments.

"EPA's review of waste sampling data to date has found no samples that are hazardous," the spokeswoman said via e-mail. "If the waste is determined to be hazardous, it will be sent to a designated hazardous waste treatment, storage or disposal facility."

The Coast Guard and EPA followed up with a June 29 directive giving BP five days to produce a waste tracking plan that included the online release of its trash testing results. The only waste sampling data on the company's website, however, are a [sample analysis](#) for 14 chemicals and a [summary](#) of the volumes of trash generated in each category.

The EPA spokeswoman said "BP has just submitted its initial response" to the June 29 edict and would have seven days to implement its final waste plan after federal and state agencies respond. EPA's twice-monthly waste tests are set for public release after undergoing an internal review.

That delay in disseminating waste test results concerned Rena Steinzor, a University of Maryland law professor who also advocates for stronger regulations as chief of the Center for Progressive Reform. "It's ridiculous that the tests are not public and the opinions [underlying the nonhazardous designation] are not public," Steinzor said. "Any lack of transparency in this area is a huge mistake for EPA and the administration to make."

Natural Resources Defense Council senior scientist Allen Hershkowitz gave EPA a wide berth to send oil-spill trash to lined municipal landfills while the Gulf remains in crisis mode -- so long as that is not "the last step of management."

"Landfills ultimately leak," Hershkowitz said. "In the short term, they may be properly designed, but in the long term, liners break down."



Given the potential risk of "liners designed for household waste being saturated with industrial waste," he added, officials should consider processing spill waste through a hazardous combustor with controls on generated air pollution.

Subjecting oiled trash to hazardous disposal or storage standards "would triple or quadruple the cost" of cleaning up the gusher, EPA's Kaufman estimated.

### **Community questions**

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Harrison County has little recourse to fight the disposal of spill trash in its Pecan Grove landfill, whose private owner agreed to accept nonhazardous waste from BP. But Rockco is not the only voice urging federal officials to keep watch on the environmental justice fears raised among Gulf residents coping with waste management.

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### **U.S. ag secretary, governor visit ethanol plant (*Marion Star*)**

BY KURT MOORE • The Marion Star • July 21, 2010

MARION - U.S. Agriculture Secretary Tom Vilsack, a promoter of the ethanol industry, and Gov. Ted Strickland visited Marion's POET biorefinery Tuesday as they discussed efforts to create green industry jobs.

The tour was one of three scheduled visits Tuesday. They also planned to visit NexTech Materials in Lewis Center before discussing rural Ohio's economy at a Lynchburg farm.

"I have a deep, deep concern about rural America," Vilsack said, referring to the income disparity of the region.

"I, for one, think that can be reversed," he said. "I think what's at stake is not just this company. Biofuels are at the heart of how you can revitalize the economy of rural America."

Vilsack, talking to POET CEO Jeff Broin and other company officials, said he plans to meet with President Barack Obama's top advisers Thursday to promote aggressive support for the biofuels industry.



The agriculture secretary is calling for building 300 to 500 biorefinery facilities across the country, with centers in each region. He agreed with Broin that the nation needs more flexible-fuel vehicles, and said the biofuels industry could help reduce the nation's reliance on foreign oil.

"I will be very aggressive on pushing this agenda," Vilsack said.

Broin thanked Vilsack and suggested the industry's biggest concern is market access. He said one way to alleviate that concern is to boost the blend level, the U.S. Environmental Protection Agency's cap on how much ethanol can be mixed with gasoline for use in most cars.

There is a push to increase that from 10 percent to 15 percent as agricultural economists warn the United States is reaching a "blend wall" in which ethanol production would surpass the capacity of the market. It would take an EPA decision to change that.

Broin said he supports advocacy group Growth Energy and its Fueling Freedom Plan. The plan calls for the redirection and eventual phasing out of government support for ethanol. Part of the plan is to redirect funds used to pay for the Volumetric Ethanol Excise Tax Credit, an incentive to blend ethanol into gasoline, and instead offer tax credits to retailers willing to install blender pumps.

The goal is to install 200,000 blender pumps, which enable consumers to choose between different blends of ethanol.

Another part of the plan talks about requiring automobiles sold in the United States to be flex-fuel vehicles, which Growth Energy suggested could lead to the production of up to 120 million flex-fuel vehicles.

There is an opposite push by farm groups, such as the Marion-based Ohio Corn Growers Association, to pass the Renewable Fuels Reinvestment Act and extend ethanol tax incentives, including a 45-cent per gallon blenders credit for ethanol use, until 2015.

Corn growers association director Dwayne Siekman said many members of Congress believe "the need for market certainty is vital to job creation, and that the ethanol-blender's extension is in the best interests of America's rural economy, environment

## **EPA releases data on canola biodiesel pathway (*Biodiesel Magazine*)**

by Luke Geiver  
Posted July 20, 2010

The U.S. EPA has released a Notice of Data Availability (NODA) for its recent modeling of the canola oil biodiesel pathway. As of March 26, when the EPA officially announced the final rule for the revised renewable fuel standard (RFS2), the canola pathway had not been analyzed as a biofuel feedstock capable of meeting the required greenhouse gas reduction standards set by the Energy Independence and Security Act of 2007. Using the same RFS2 lifecycle analysis modeling approach for other biofuels already approved, the EPA stated that the canola oil biodiesel pathway creates a 50 percent reduction in GHG emissions compared to the diesel fuel baseline.

"These results, if finalized, would justify authorizing the generation of biomass-based diesel RINs for fuel produced by the canola oil biodiesel pathway modeled, assuming that the fuel meets the other definitional criteria for renewable fuel (e.g., produced from renewable biomass, and used to reduce or replace transportation fuel) specified in EISA," EPA said in the NODA memo.

EPA analyzed canola oil as a feedstock "assuming the same biodiesel production facility designs and conversion efficiencies as modeled for biodiesel produced from soybean oil." To assess the impact of producing biodiesel from canola oil, the EPA also created a control case projection estimating 200 million gallons of canola-based biodiesel per year by 2022. "While we recognize that some canola oil has historically been used to make biodiesel for domestic use," EPA said, "this range of production (zero to 200 million gallons) covers the range of production likely by 2022." To create the projection, the EPA used a number of factors including historical volumes, potential feedstock availability and competitive uses, potential increases in crop acreage and potential increases in crop and conversion yields.

"As with other EPA analyses of fuel pathways with a significant land use impact, the proposed analysis for



canola oil biodiesel includes a best estimate as well as a range of possible lifecycle greenhouse gas emission results based on formal uncertainty analysis conducted by the agency," EPA also noted.

Higher yield improvements, which could show a greater reduction of land use impacts and improve projected GHG performance of canola-based biodiesel, were given by industry members to the EPA, but not used for the analysis. "As was the case for analyses of other crop-based biofuels," the agency noted, "EPA projected increases in canola crop yield based on long-term trends. Yield improvement rates recommended by industry were higher and were based on recent shorter term trends."

EPA's analysis included the Forestry and Agricultural Sector Optimization Model (FASOM) and the Food and Agricultural Policy and Research Institute international models maintained by the Center for Agricultural and Rural Development (FAPRI-CARD). For key model inputs and assumptions (e.g., crop yields, biofuel conversion yields, and agricultural engery use), EPA has also provided a docket of information accompanying the NODA. The information included in the docket was generated by peer-reviewed literature and reflects expert recommendations from the canola and biodiesel industries considered by EPA. For 30 days, effective from the publication date in the federal register, the EPA will accept comments on the proposed lifecycle assessment of canola oil biodiesel.

### **Virginia Democrat objects to federal pay freeze (*Government Executive*)**

By Norah Swanson [nswanson@govexec.com](mailto:nswanson@govexec.com) July 20, 2010

A Virginia lawmaker whose district is home to many federal employees said on Tuesday that he does not support a pay freeze for government workers.

Democratic Rep. Jim Moran, during a town hall meeting in Washington for employees of the Environmental Protection Agency, also admitted he doesn't believe parity between civilian and military pay can be accomplished this year in Congress, alluding to partisanship. In fiscal 2010, service members received a 3.4 percent pay raise while the civilian workforce received a 2 percent boost.

While President Obama has frozen the pay of White House personnel, federal workers so far have been spared. Some lawmakers have tried recently to [push legislative proposals](#) to freeze federal workers' salaries to help reduce the deficit and pay for the ongoing wars.

With federal retirements on the rise, Moran said the government might not be able to maintain the same quality of employees without salary increases. Competition, he added, is essential to attract a high-caliber federal workforce, and pay freezes only will make this task more difficult. But Moran told EPA employees that, "freezes will be difficult to avoid if unemployment stays this high."

Moran, who was thanked by one employee for being "a consistent supporter of federal workers," also spent time on Tuesday touring EPA, including the agency's emergency operations room. He praised employees for their commitment and hard work in dealing with the BP oil spill in the Gulf of Mexico: "I have an intense appreciation for civil service," said the congressman. In March, Moran assumed chairmanship of the House Appropriations Subcommittee on the Interior and Environment, the panel that oversees EPA funding.

He noted EPA scientists and employees were devalued in years past and it was time to change false perceptions. He called for greater agency outreach to the American people and their communities. "Give them the facts and let them make up their minds. We have a responsibility to inform our democracy," he said.

The lawmaker credited the EPA Emergency Operations Room as a model for crisis response among other federal agencies. The agency uses technology such as teleconference and monitoring capabilities that allow EPA employees in Washington to stay connected to the epicenter of the crisis. Deputy Administrator Bob Perciasepe said EPA is working closely with the Food and Drug Administration and the Fish and Wildlife Service on cleanup efforts.

"You are absolutely indispensable," Moran told employees. "The health of the country is on your shoulders."

### **Mine industry sues over Appalachian permits (*Associated Press*)**

**Story also appeared: *Washington Post***



By TIM HUBER

The Associated Press

Tuesday, July 20, 2010; 1:39 PM

CHARLESTON, W.Va. -- The coal industry filed a lawsuit Tuesday challenging the Obama administration's efforts to limit surface coal mining in Appalachia.

The National Mining Association's lawsuit accuses the Environmental Protection Agency and the Army Corps of Engineers of illegally preventing mines from obtaining water quality permits in the region. If successful, the NMA says the lawsuit would free a logjam of 235 pending permit applications that have been held up for additional scrutiny by the EPA since 2009.

"Members' efforts to navigate this unlawful process and obtain reasonable and predictable permit terms have been unsuccessful, leaving us no choice but to challenge the EPA and Corps policy in court," NMA President Hal Quinn said in a statement. "The agencies' continued abuse of the law to impose arbitrary standards on mining operations, state agencies and other federal regulatory bodies threatens the entire region with further economic misery and stagnant employment."

The EPA had no immediate comment. The corps referred questions to the U.S. Department of Justice, which also had no immediate comment.

The lawsuit is the latest skirmish in a series of court fights over mountaintop removal coal mining in West Virginia, Kentucky and other Appalachian states. Mine operators say the practice is highly efficient, supports tens of thousands of jobs and provides coal for electric power plants across much of the South and East. But opponents argue that surface mining is too damaging to the environment because it disposes of excess material such as rock by burying streams.

In this series of court battles, lawsuits by coal companies or industry groups have been rare. The companies typically find themselves fighting lawsuits by environmental groups that seek to stop individual permits.

The core of Tuesday's lawsuit is an attack on the new surface mining policy announced by the EPA on April 1. The policy tightened water quality standards solely for valley fills at surface coal mines in West Virginia, Kentucky, Pennsylvania, Ohio, Virginia and Tennessee. EPA Administrator Lisa Jackson said at the time the goal was a standard so strict that few, if any, permits would be issued for valley fills.

The lawsuit seeks to have that policy overturned as well as to eliminate the EPA's practice of offering to approve one valley fill permit at a time, which the NMA says oversteps the agency's authority.

Those decisions should be left to the federal Office of Surface Mining Reclamation and Enforcement, the lawsuit contends.

"EPA and the Corps have launched a moving target in coal mining permitting that is substantially and irreparably harming NMA's coal mining members," the lawsuit says.

### **Coal lobbying group sues US EPA, Army Corp over mining permits (*Platts*)**

Galax, Virginia (Platts)--20Jul2010/557 pm EDT/2157 GMT

The National Mining Association filed suit Tuesday against the US Environmental Protection Agency and the Army Corps of Engineers, claiming the agencies are "unlawfully obstructing permitting of coal mining operations" in Central Appalachia.

The suit, filed with the US District Court for the District of Columbia, charges the agencies are "jeopardizing thousands of jobs and a vital supply of fuel to meet the nation's electric power needs."

"This civil action challenges a series of EPA and Corps actions that have unlawfully obstructed Clean Water Act [Section 404] permitting processes for coal mining," the industry trade group said.

The suit takes aim a June 2009 accord between EPA and the Corps in which



the agencies agreed to an "enhanced" procedure to review 79 permit applications -- many tied to valley fills and large surface mining operations -- over concerns about potential harm to the environment, especially streams in the region.

NMA's lawsuit claims "EPA and the Corps have circumvented clear requirements for public notice and comment of a host of federal statutes and ignored calls for peer-reviewed science as part of a deliberate policy to substitute agency 'guidance' for formal rulemaking."

Citing a May 21 report by the Senate Environment and Public Works Committee Republican staff, NMA said "nearly 18,000 new and existing jobs and more than 80 small businesses are jeopardized by the unlawful policy EPA and the Corps have applied to the 190 permits still awaiting action in mid-May."

Of the 79 permits that were held up by the June agreement, NMA said, 36 have been withdrawn, five permits have been issued and two are under review. The affected permits cover mining operations in Ohio, Pennsylvania, Tennessee, Virginia, Kentucky and West Virginia.

"NMA members' efforts to navigate this unlawful process and obtain reasonable and predictable permit terms have been unsuccessful, leaving us no choice but to challenge the EPA and Corps policy in court," NMA President and CEO Hal Quinn said in a statement. "Detailed agency guidance is not a valid substitute for lawful rulemaking based on public notice and comment. The agencies' continued abuse of the law to impose arbitrary standards on mining operations, state agencies and other federal regulatory bodies threatens the entire region with further economic misery and stagnant employment."

EPA officials did not immediately respond to requests for comment. Corps spokesman Chuck Minsker said that the agency doesn't comment on litigation and referred all inquiries to the Department of Justice. DOJ spokesman Charles Miller said his agency is still reviewing the suit and had no comment.

In the prayer for relief, NMA is requesting, among other remedies, that the court vacate the enhanced coordination process and order the Corps to process all pending permit applications.

--Steve Hooks, [steve\\_hooks@platts.com](mailto:steve_hooks@platts.com)

July 20, 2010

### **Coal industry sues EPA, Corps of Engineers over permit crackdown (*Charleston Gazette*)**

By Ken Ward Jr.

CHARLESTON, W.Va. -- Coal industry lawyers on Tuesday sued the U.S. Environmental Protection Agency and the Army Corps of Engineers to try to slow down the Obama administration's efforts to more strictly regulate mountaintop removal mining.

The National Mining Association filed suit in federal court in Washington, D.C., over EPA's more detailed review of mining permit applications and a new set of recommended water quality guidelines for surface coal mining in Appalachia.

In the 42-page complaint, the association alleges EPA's permit reviews were an effort to "rob" other agencies of their regulatory role and charges that EPA Administrator Lisa P. Jackson ignored requirements for public involvement when she issued the new water pollution guidelines.

"NMA members' efforts to navigate this unlawful process and obtain reasonable and predictable permit terms have been unsuccessful, leaving us no choice but to challenge the EPA and Corps policy in court," said NMA President Hal Quinn. "Detailed agency guidance is not a valid substitute for lawful rulemaking based on public notice and comment."



EPA spokesman Brendan Gilfillan said the agency is reviewing the coal industry lawsuit.

"EPA's mining guidance is fully consistent with the law and the best available science and will help ensure that Americans living in coal country don't have to choose between a healthy environment for their families and the jobs they need to support them," Gilfillan said in a prepared statement.

While the coal industry favors mountaintop removal's efficiency, and local political leaders praise the jobs provided, there is a growing scientific consensus that the practice is causing widespread and irreversible damage to the region's forests, water quality and communities.

Shortly after taking office, the Obama administration announced it was taking "unprecedented steps" to reduce the environmental impacts of mountaintop removal.

EPA began much more rigorous reviews of valley fill permit applications being considered by the Corps of Engineers and threatened to exercise its Clean Water Act authority to block those permits if it believed the impacts were too great.

In its suit, the mining association alleges this process "adds significant additional time to the corps regulatory review" and is "dramatically altering timelines" for companies to receive new mining permits.

Industry lawyers also complain that, without public involvement, EPA wrongly put into place a detailed tool that grades the potential impacts of permits to help agency officials determine which mining permits need more rigorous reviews.

This April, EPA also announced a new guidance for its regional offices in reviewing water pollution permits for mining projects being considered for issuance by state agencies like West Virginia's Department of Environmental Protection. The new guidance calls for much tougher review, and perhaps rejection of permits, based on the potential to increase the electrical conductivity of streams, which is a stronger measure of many harmful pollutants from mining and has been linked to damage of aquatic life.

EPA made its guidance effective immediately on an interim basis, but is also conducting an eight-month public comment period and subjecting the scientific reports the guidance is based upon to peer review.

In its suit, the mining association said the guidance constitutes a rulemaking that should have gone through a public comment before it was put into effect.

The suit asks for a court order to block the more detailed EPA permit reviews and the agency's conductivity guidance.

Reach Ken Ward Jr. at [kw...@wvgazette.com](mailto:kw...@wvgazette.com) or 304-348-1702.

### **Mine industry sues over Appalachian permits (*Ventura County Star*)**

TIM HUBER

Tuesday, July 20, 2010

CHARLESTON, W.Va. — CHARLESTON, W.Va. (AP) - The National Mining Association is suing two federal agencies over the Obama administration's efforts to limit surface coal mining in Appalachia.

The trade association filed the lawsuit Tuesday in U.S. District Court for the District of Columbia. It names the Environmental Protection Agency and the Army Corps of Engineers as defendants.

The lawsuit centers on mountaintop removal coal mining. Coal companies like the highly efficient practice, while environmental groups contend it is devastating Appalachia.

The lawsuit accuses the agencies of illegally restricting water quality permits that allow mountaintop removal and other surface mines to bury streams with excess rock. EPA has held up all but a handful of so-called valley fill permits for greater scrutiny since 2009.



Neither agency had immediate comment.

### **Mining group sues U.S. over mountaintop permit 'guidance' (*Greenwire*)**

(07/20/2010)

Patrick Reis, E&E reporter

The National Mining Association sued the Obama administration today over new water pollution "guidance" for coal companies seeking permits for surface mines in Central Appalachia.

The lawsuit accuses U.S. EPA and the Army Corps of Engineers of failing to follow federal procedures in issuing new permit requirements and asks the U.S. District Court for the District of Columbia to void the guidance until the agencies conduct a formal rulemaking, which would include a public comment period.

The EPA guidance includes the first-ever numeric pollution standard for "conductivity," a measure of a water body's ability to carry an electrical charge. The standard addresses levels of salt, sulfides and other pollutants in streams near surface coal mines.

To qualify for a permit, mining companies must show projects won't cause pollutant concentrations to climb past roughly five times the normal level, a limit the agency said would protect 95 percent of aquatic life. The guidance -- which applies only to surface mines in Pennsylvania, Ohio, West Virginia, Virginia, Kentucky and Tennessee -- became effective immediately after being announced on April 1.

At issue in the lawsuit is EPA's labeling the new standards a "guidance" -- not a formal rule. The agency developed the guidance with the Army Corps of Engineers and the Interior Department's Office of Surface Mining.

National Mining Association spokeswoman Carol Raulston said the policies "walk, talk and act like a rule" that has resulted in a "de facto" moratorium on coal mining permitting in the region.

"We had wanted to avoid legal action, and we hoped that our members could work with EPA to address their concerns," Raulston said. "Instead, we've really faced a moving target of more and more hurdles that companies have to go over."

EPA officials were unavailable for comment.

When announcing the rules in April, EPA Administrator Lisa Jackson insisted her agency was not trying to stop coal mining in the region.

"This is not about ending coal mining; it is about ending coal mining pollution," Jackson said. "The people of Appalachia shouldn't have to choose between a clean, healthy environment in which to raise their families and the jobs they need to support them."

The industry group successfully has used the rulemaking argument against other administration attempts to regulate mountaintop-removal mining, including Interior's bid to reverse changes to rules limiting mining made during the George W. Bush administration.

The group sued Interior over the attempt to void the Bush changes to the "stream buffer zone" rule, instead forcing the Obama administration to go through a formal rulemaking process of its own.

Interior has said it does not expect to finalize that rule before 2012 ([Greenwire](#), April 13).

### **EPA Urged To Issue End-Of-Life Rules For Toxins In Recycled Coal Waste (*Inside EPA*)**

Posted: July 20, 2010

EPA is facing calls from the whistleblower group Public Employees for Environmental Responsibility (PEER) to develop so-called end-of-life rules to curb the potential risk that toxins in coal waste used as components in products ranging from cement to wallboard could leach into the environment when the products are destroyed.



PEER will soon ask the agency to develop the rules as part of the group's comments on EPA's first-time proposed regulation for managing the disposal of coal combustion waste, a PEER source says. The group will first ask the agency to assess whether toxins in coal waste used in products remains sealed when the product reaches the end of its useful life. If the studies find the materials escape, then PEER will ask EPA to take steps to address that risk.

Industry officials, however, say PEER's push faces dim prospects, because it is impossible to tell which products contain coal combustion waste, frustrating any effort to regulate their ultimate disposal.

PEER plans to seek the end-of-life rules and will file early comments on the proposal, which will be submitted at the end of July in a pitch to garner debate on the issue, with the comment period not closing until Sept. 20.

PEER already filed a July 1 Data Quality Act challenge over EPA's claims on the environmental benefits of reuse on the agency's Coal Combustion Product Partnership (C2P2) website, a voluntary program with industry partners designed to promote reuse of coal waste ([\*see related story\*](#)).

EPA in its June 21 proposed Resource Conservation & Recovery Act (RCRA) coal waste rule intends to exempt from regulation most beneficial reuse of coal waste in products. EPA has proposed either hazardous waste or less stringent solid waste requirements for disposal of coal waste, but industry has long warned that a hazardous waste rule would create an insurmountable stigma against recycling coal waste.

EPA proposes to exempt most beneficial reuse from regulation under either solid or hazardous waste disposal rules so as not to harm the industry. But PEER will argue that the agency must address the risk of toxins leaching out of those products at the end of their life before granting any exemption in the final rule.

## Transferring Toxins

PEER says many of the toxins in coal waste -- including mercury, selenium and arsenic -- are transferred to the products that coal waste is reused in, such as concrete, counter-tops, carpet backing and wallboard. PEER fears that many of those toxins are then released when the various products are eventually destroyed.

For example, the PEER source notes that cement and concrete are often crumbled and placed in waterbodies, as levee material or artificial reefs, meaning it could directly contaminate water. Additionally, carpet is often burned at its end of life, while wallboard and counter-top material can be placed in landfills.

Despite these risks, the source says there is an "absence of any kind of study by EPA of the environmental and public health effects of coal ash" when used in products.

"Often carpet is disposed of by burning, so will coal ash in a carpet be burned in an open air facility or an incinerator, and if so the result is that the most hazardous material that you've prevented from going up the smokestack of a coal-fired power plant through pollution controls would then be emitted elsewhere," the source says. Toxins from coal ash-containing concrete disposed of in a solid waste landfill could also leach into the water table, or the material may be broken up and placed directly in water to use as a levy, fill or artificial reef, the source notes.

PEER believes that the amount of toxins in coal waste is also set to increase under pending EPA air rules that will require installation of air emission controls for mercury and other air toxics at coal-fired facilities. While the controls prevent the toxins from entering the air, they instead become major components of waste produced from coal combustion, and those toxins remain when that ash is recycled in products.

"What happens when the mercury content of coal ash significantly increases?" as a result of stricter EPA air rules, the source asks. "That isn't the kind of thing you want to have in your kitchen counter."

Additionally, the source criticizes the fact that coal ash recyclers can receive "green building" credit for using coal waste in wallboard and counter-top material, even though the consequences are unknown. "People get green credit because they are using a recycled material, but they may be doing something that ultimately may be very brown."



The source notes that PEER is "arguing that beneficial use should be stigmatized," in contrast to other environmental groups that are trying to rebut industry's claims that hazardous coal waste rules would harm ash recycling. "[S]o for the most part we are acting by ourselves" by seeking reuse rules, the source adds.

Industry sources, meanwhile, downplay the prospects for PEER's request, saying it is unlikely that EPA will develop new end-of-life requirements for beneficially reused coal combustion waste.

### **Coal Ash In Discarded Products**

One industry source says it is impossible to tell which discarded products contain coal ash. A second industry source says that EPA's coal waste proposal already requires the rules PEER seeks because it says that products containing coal waste will become a new waste subject to RCRA controls when they reach the end of their life. "This new waste would be subject to RCRA subtitle C if the waste exhibits a characteristic of hazardous waste (i.e. ignitability, corrosivity, reactivity or toxicity)," EPA says in the proposed coal waste rule.

But the first industry source says this requirement is nearly impossible to address because, "At the end of its life, you are not going to know whether concrete has fly ash in it, or whether wallboard was made with synthetic gypsum out of a scrubber or with natural rock gypsum. . . . Unless you are going to look at all the concrete that is coming out of service, you are stuck with the problem of not knowing which has fly ash."

The second source adds that the PEER effort singling out recycled materials made with coal ash makes no sense. "My reaction is what about all the other products in use right now that didn't come from coal ash and have low levels of metals in them too? Why don't we do an end-of-life for everything?"

However, the PEER source counters that separate rules are necessary, particularly if EPA finalizes a rule allowing beneficially recycled coal ash to shed a planned designation as a "special waste." "Large volumes of an otherwise listed 'special waste' could be shifted to the same solid waste management system as household garbage. There would also be no tracking system in place to gather data on whether these uses caused problems. . . . Also, household wastes are exempt from RCRA requirements, so the consumer applications are particularly troubling," the source says.

Additionally, the source says that because EPA is going to great lengths to seek to appease industry's "stigma" concerns, "EPA is certainly not going out of its way to raise any advisory that people who handle this material should make a RCRA determination at the point of disposal."

While the proposal includes language that suggests these products could be subject to RCRA rules, PEER says that the upshot will be that any recycled ash material will "just disappear from the regulatory framework altogether."

In a related matter, the U.S. Army Corps of Engineers is considering a plan to use coal waste to shore up dozens of miles of Mississippi River levees along a 200-mile stretch of the river near St. Louis, calling it the "cheapest, longest-lasting fix" of the options it weighed. The *Chicago Tribune* reports that the plan is drawing criticism from many environmentalists, who plan to air their concerns at a July 15 public hearing. -- *Dawn Reeves*

### **EPA takes new look at gas drilling, water issues (*Associated Press*)**

**Story also appeared: *Texarkana Gazette***

By MARC LEVY and MARY ESCH (AP)

The Associated Press

Tuesday, July 20, 2010; 7:49PM

HARRISBURG, Pa. — So vast is the wealth of natural gas locked into dense rock deep beneath Pennsylvania, New York, West Virginia and Ohio that some geologists estimate it's enough to supply the entire East Coast for 50 years.

But freeing it requires a powerful drilling process called hydraulic fracturing, or "fracking," using millions of gallons of water brewed with toxic chemicals, that some fear could pollute water above and below ground and deplete aquifers.



As gas drillers swarm to this lucrative Marcellus Shale region and blast into other shale reserves around the country, the U.S. Environmental Protection Agency is taking a new look at the controversial fracking technique, currently exempt from federal regulation. The \$1.9 million study comes as the nation reels from the Deepwater Horizon environmental and economic disaster playing out in the Gulf of Mexico.

The oil and gas industry steadfastly defends the process as having been proven safe over many years as well as necessary to keep the nation on a path to energy independence.

Studies have "consistently shown that the risks are managed, it's safe, it's a technology that's essential ... it's also a technology that's well-regulated," said Lee Fuller, director of the industry coalition Energy In Depth.

"A fair study," Fuller added, "will show that the procedures that are there now are highly effective and do not need to be altered — the federal government does not need to be there."

But because of the oil spill, conservation groups say the drilling industry has lost its credibility and the rapid expansion of shale drilling needs to be scrutinized.

"People no longer trust the oil and gas industry to say, 'Trust us, we're not cutting corners,' " said Cathy Carlson, a policy adviser for Earthworks, which supports federal regulation and a moratorium on fracking in the Marcellus Shale.

Just six years ago, an EPA study declared the fracking process posed "little or no threat to underground sources of drinking water" and with that blessing, Congress a year later exempted hydraulic fracturing from federal regulation.

Now the agency, prodded by Congress even before the Gulf disaster and stung by criticism that its 2004 study was scientifically flawed and maybe politically tainted, will bring the issues to the heart of the land lease rush in the Marcellus Shale: Canonsburg, Pa., on Thursday and Binghamton, N.Y., on Aug. 12.

EPA hearings earlier this month in Fort Worth, Texas, and Denver focused on issues including drilling in the Barnett Shale of Texas, and in Colorado and Wyoming, which have experienced similar natural gas booms. Natural gas is also being recovered from the Haynesville Shale in north Louisiana, the Fayetteville Shale in northern Arkansas and Woodford Shale in southern Oklahoma.

In Texas, where drillers have sunk more than 13,000 wells into the Barnett Shale in the past decade, fear of the cancer-causing chemical benzene in the air above gas fields from processing plants and equipment has spurred tests by environmental regulators and criticism of the state's safeguards. In Colorado, numerous residents contend gas drilling has spoiled their water wells.

Advancements in horizontal drilling and hydraulic fracturing technology in the late 1990s significantly increased the yield and economic viability of tapping shale gas wells and led to the current natural gas boom, starting in Texas with the Barnett Shale. Fracking is now considered the key to unlocking huge, untapped natural gas reserves across the United States at a time when natural gas is emerging as a greener energy alternative to coal or oil.

The Marcellus Shale is 10 times the size of the Barnett, spanning 50,000 square miles compared with the 5,000-square-mile Barnett. It is also three times thicker than the Barnett at up to 900 feet and is estimated to have a potential yield of 10 times as much gas (500 trillion cubic feet versus 50 trillion cubic feet).

At stake in the debate over how best to manage and regulate this enormous new natural resource is not just the safety of water supplies but also thousands of jobs, profits for the gas drilling and delivery industry and a bonanza of royalties for landowners.

"We've got to get it right," said Sen. Bob Casey, D-Pa., a sponsor of the so-called FRAC Act, which would repeal the 2005 exemption and require regulation of fracking by the EPA under the federal Safe Drinking Water Act.

"We allowed coal over many, many decades to be an industry that was so unregulated that it was allowed to do virtually whatever it wanted, and now we have numerous environmentally adverse impacts," he said.

Though the drilling rush into Pennsylvania is barely two years old, more than 3,500 permits have been issued and about 1,500 wells drilled, with thousands more expected. Environmental problems are already



bubbling up: methane leaks contaminating private water wells, major spillage of diesel and fracking chemicals above ground, and fish kill in a creek.

A well blowout in north-central Pennsylvania last month spewed natural gas and toxic fracking water out of control for 16 hours. State regulators found EOG Resources Inc. of Houston had failed to install a proper blowout prevention system — taking cost shortcuts. The state fined EOG Resources and a contractor more than \$400,000.

A wary New York state has had a virtual moratorium on drilling permits for the Marcellus Shale region for two years while it completes an environmental review.

Fear of water pollution is so high that a sweet spot of the Marcellus Shale — the Delaware River watershed in southern New York and northeastern Pennsylvania that provides drinking water for 17 million people from Philadelphia to New York City — is virtually off-limits to drilling for now.

The industry says there is no evidence that fracking chemicals — some of them suspected human carcinogens — contaminate drinking water, wells or aquifers once blasted deep underground.

EPA summarized numerous reports of "water quality incidents" in residential wells, homes, or streams in Alabama, Colorado, Montana, New Mexico, Virginia, West Virginia and Wyoming but said there was inconclusive evidence linking the incidents to fracking.

Hydraulic fracturing, first used commercially in 1949 by petroleum services giant Halliburton Co. of Houston, was developed to eke gas and oil from impermeable rock. Water mixed with chemicals and sand is injected at high pressure to fracture shale, the sand holding fractures open so gas can flow up the well.

Each frack job uses an average of 4 million gallons of water, delivered to a well site by hundreds of tanker trucks. Some of the "produced" wastewater remains in the well — estimates range from 20 percent to 90 percent. What comes back up the well — briny, chemical-laden and possibly radioactive from exposure to naturally existing radon underground — is usually stored in open pits until it's trucked to treatment plants or underground injection wells.

In the northeastern Pennsylvania town of Dimock, state regulators have repeatedly penalized Houston-based Cabot Oil & Gas Corp. for contaminating the drinking water wells of 14 homes with leaking methane and for numerous spills of diesel and chemical drilling additives, including one that contaminated a wetland and killed fish.

Even as Pennsylvania officials work to improve their regulation of drilling, the state's environmental protection secretary does not want to cede authority.

"I'm not ready to turn Pennsylvania's resources over to the federal government," said John Hanger. "Right now, Pennsylvania has just about the very best drilling oversight in the country and we continue to keep working at it every day."

Hanger is quick to criticize the regulatory debacle of the federal Minerals Management Service and its cozy relationship with oil and gas corporations before the Deepwater Horizon explosion on April 20.

"That agency was captured by the drilling industry," he said.

The industry says it believes state oversight is sufficient and worries the new EPA study will lead to new and costly safety and environmental rules that would rob them of decades of profits.

In West Virginia, however, state officials concede they're overwhelmed trying to regulate the Marcellus juggernaut that has added hundreds of Marcellus wells to tens of thousands of traditional, shallow gas wells.

If passed, the FRAC Act would remove what's widely known as the "Halliburton loophole" — which exempted fracking from the Safe Drinking Water Act when the 2005 energy bill was passed.

The EPA, in a statement to The Associated Press, did not criticize its previous study. But given the rapid expansion of the industry and "serious concerns" about the impact of hydraulic fracturing, the agency said it concluded it was necessary to conduct a peer-reviewed study that draws upon best available science, independent experts and the public.



Online:

EPA's hydraulic fracturing website: [http://www.epa.gov/safewater/uic/wells\\_hydrofrac.html](http://www.epa.gov/safewater/uic/wells_hydrofrac.html)

### **U.S. EPA and American Water Wrap Up National 'We're for Water' Campaign in New Jersey (*Bradenton Herald*)**

The national "We're for Water" campaign and cross-country tour wraps up in New Jersey on August 2, after visiting consumers in 16 states to promote the importance of wise water use. The U.S. Environmental Protection Agency's WaterSense program partnered with American Water (NYSE:AWK), the nation's largest publicly-traded water services provider, on the campaign kickoff on July 14 in Los Angeles and its conclusion on August 2, which features two New Jersey families participating in a water conservation competition.

Chatham Township residents Kenneth and Katherine Abbott, and their children, Joanie 16, Sarah, 11, and Meredith, 4, will compete against Chris Johnson, Ann Cavuoti-Johnson and their children Mariana 18, Courtney, 16, and Carolyn, 12, to see which family can conserve the most water.

WaterSense partner American Water will monitor the two families' water use over the course of one week as they work to conserve water in their households – using tips they learned from the EPA's WaterSense website ([www.epa.gov/watersense](http://www.epa.gov/watersense)) – and compare it to their usage during a previous week this summer. On August 2, the families will compete in various competitions to demonstrate what they learned, and the family that reduced their weekly water usage the most will be revealed.

The families are encouraged to reduce their water consumption through three simple steps: "check, twist and replace." The WaterSense Web site recommends that people:

- Check toilets for silent leaks and replace worn parts if necessary
- Twist on a faucet aerator to reduce bathroom faucet water to use 30 percent less water without a noticeable difference in flow
- Replace older showerheads with a new WaterSense labeled model to save water and energy while still showering with power

The We're for Water campaign is a national effort to educate consumers about water-saving behaviors and WaterSense labeled products. The campaign, which occurs during "peak" water use season in many parts of the country, encourages consumers to adopt simple changes at home to start saving water. The two-week tour features Flo, the We're for Water "spokesgallon," a symbolic one gallon bottle of water saved up from the kickoff competition in Los Angeles, traveling the country stopping at national landmarks, taking photos with tourists, educating citizens about water efficiency and recording the trip via Facebook, Twitter, widgets, and the We're for Water Web site.

WaterSense is a partnership program sponsored by the U.S. EPA with the goal of protecting the future of the nation's water supply by promoting and enhancing the market for water-efficient products and services. There are currently 525 WaterSense labeled toilets, more than 1,800 labeled faucets and faucet accessories, 74 labeled showerheads, and more than 900 certified WaterSense irrigation partners. WaterSense labeled products are independently tested and certified meet EPA's criteria for both efficiency and performance. For more information, visit [www.epa.gov/watersense](http://www.epa.gov/watersense) or follow the tour at [www.epa.gov/watersense/wereforwater](http://www.epa.gov/watersense/wereforwater).

American Water, a WaterSense Partner, is the largest publicly-traded U.S. water and wastewater utility company, providing drinking water, wastewater and other related services to approximately 16 million people in 35 states, as well as Ontario and Manitoba, Canada. New Jersey American Water, a wholly owned subsidiary of American Water, is the largest investor-owned water utility in the state, providing high-quality and reliable water and/or wastewater services to approximately 2.5 million people. More information can be found by visiting [www.amwater.com](http://www.amwater.com).

Read more: <http://www.bradenton.com/2010/07/20/v-print/2445304/us-epa-and-american-water-wrap.html#ixzz0uEuoKgFH>

### **Florida Deepwater Horizon Response (*WMBB News Channel 13*)**

July 20, 2010  
07/20/10 - 09:22 AM



## Florida Department of Environmental Protection

### RSS Feed

Tallahassee, Fla:

Under the leadership of Governor Charlie Crist, the State Emergency Response Team and the Florida Department of Environmental Protection (DEP) are actively coordinating and responding to the Deepwater Horizon incident.

#### Message of the day:

There are currently no plans to use dispersants in Florida. If dispersants are ever considered in state waters, the determination to use the chemical would be evaluated by DEP with input from the Florida Fish and Wildlife Conservation Commission's Florida Wildlife Research Institute and the U.S. Environmental Protection Agency (EPA). Dispersants are a chemical used to break up oil into small droplets so that they are more easily degraded. This chemical is most effective against fresh oil, unlike the weathered oil impacts Florida has seen in its waters.

The EPA and the U.S. Coast Guard have authorized BP to use dispersants underwater, in federal waters, at the source of the Deepwater Horizon leak. The use of dispersants has declined significantly since the well was capped on July 15. Subsea dispersant application has been in use since May 15, 2010. While BP pursues the use of subsurface dispersants, the federal government reviews its effectiveness and impact on the environment daily. EPA specifically monitors the water and air for dispersant and its potential impacts through a rigorous monitoring program. The federal government reserves the right to discontinue the use of this dispersant method if negative impacts on the environment outweigh the benefits, and the Coast Guard's Federal On-Scene Coordinator has the authority to make daily decisions regarding any request by BP to adjust the use of dispersant. [Learn more.](#)

#### Current Situation

- The State Emergency Operations Center is activated at Level 1 or full activation.
- The State Emergency Response Team continues to focus on mitigating impacts to Florida's shoreline.
- State reconnaissance teams operating by air, land and sea continue to identify potential impacts and are actively coordinating with cleanup teams. [View the latest reconnaissance reports.](#)
- Four Florida branch offices are fully operational in Northwest Florida. These branch offices bring together federal, state and local agencies to streamline response efforts.
- Currently Deepwater Horizon is not discharging any oil into the Gulf of Mexico. BP continues the well integrity test, which is being closely monitored. [Learn more.](#)
- Isolated impacts are expected to continue in Northwest Florida over the next 72 hours. Nearly 90 percent of Florida's more than 1,260 miles of coastline remains unimpacted.
- A tropical wave in the Southwest Atlantic near Puerto Rico has a 40 percent chance of becoming a tropical depression within the next 48 hours.
- Oil Impact Notices are posted for all Escambia County and Walton County Gulf beaches, as well as designated beaches in Okaloosa County. Signs may remain in place until local authorities determine that beaches are no longer impacted by the oil spill. [Learn more.](#)
- The current federal fisheries closure in the Gulf of Mexico measures 83,927 square miles. This leaves approximately 65 percent of Gulf federal waters available for fishing. This federal closure does not apply to any state waters.
- A portion of coastal state waters offshore of Escambia County is closed to the harvest of saltwater fish, crabs and shrimp. [Learn more.](#)

#### Learn More About Florida's Response:

- Visit [www.deepwaterhorizonflorida.com](http://www.deepwaterhorizonflorida.com) to learn more about Florida's response to the Deepwater Horizon incident, sign up for daily updates, view tips for businesses and consumers, find a listing of Unified Command, BP and Florida phone numbers, and more.



· The Oil Spill Information Line is available at 1-888-337-3569 from 8:00 a.m. to 6:00 p.m. seven days a week. Persons with disabilities can contact 1-800-955-8771 (TDD) or 1-800-955-8770 (voice).

### **Virginia not happy with Feds' bay cleanup plan (*Daily Press*)**

July 20, 2010|By Cory Nealon, cnealon@dailypress.com | 247-4760

RICHMOND — — Virginia will cooperate with the federal government to intensify Chesapeake Bay restoration efforts but the McDonnell administration is not happy it.

That was the message from state Secretary of Natural Resources Doug Domenech, who addressed 20 state lawmakers Tuesday in Richmond.

During a fiery speech before the House Committee on Agriculture, Chesapeake and Natural Resources, Domenech criticized the U.S. Environmental Protection Agency's effort to impose a pollution diet on the bay's six-state watershed.

Published: July 21, 2010

### **Disagreements hamper Chesapeake Bay cleanup (*Richmond Times Dispatch*)**

By Rex Springston | TIMES-DISPATCH STAFF WRITER

The federal government's stepped-up effort to restore the Chesapeake Bay is getting resistance from some lawmakers and state officials. During a meeting of the House of Delegates' natural-resources committee yesterday, lawmakers and others raised concerns about the cost, nature and timing of the cleanup. Virginia has cut a lot of bay pollution over the years, and removing much more could be too costly, said Del. Robert D. Orrock Sr., R-Caroline.

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Virginia has cut a lot of bay pollution over the years, and removing much more could be too costly, said Del. Robert D. Orrock Sr., R-Caroline.

"We may have to accept a little more pollution" in the cleanup plan, Orrock said outside the General Assembly Building committee room.

Efforts to clean the Chesapeake Bay date to the 1980s, but the bay remains polluted. Officials in President Barack Obama's administration say they are making the cleanup a priority.

Virginia and federal officials are working to prepare cleanup plans by the end of this year.

Doug Domenech, Gov. Bob McDonnell's secretary of natural resources, said the increased emphasis on the cleanup comes at precisely the wrong time -- during a terrible economy.

"Some in the environmental community appear to not care if people lose their jobs, or they don't care if taxes have to be raised on everybody to pay for this cleanup," Domenech said in an interview.

Everybody has the same goal -- cleaning the bay -- but the question is "what's the best way to do it?" Domenech said.

The bay is improving, largely through voluntary efforts, Domenech said. He favors continuing the voluntary approach.

Ann F. Jennings, Virginia director of the Chesapeake Bay Foundation, an environmental group, said restoring the bay would be good for businesses such as tourism.

She said McDonnell administration officials and others appear to spend more time complaining about the cleanup process than figuring out ways to best help the bay.



"It has become very tense," Jennings said, mainly because of the renewed emphasis on the cleanup being expressed by the U.S. Environmental Protection Agency.

"It's for real this time," Jennings said, "and it hasn't been for the last decades."

EPA officials have said they may impose severe punishments, such as withholding federal grants, on states that don't do enough to clean the bay.

"If done wrong, this could lead to economic-sector civil war," with groups such as farmers and developers pointing fingers at each other as polluters that should do more to clean up, said Wilmer Stoneman of the Virginia Farm Bureau.

Under the EPA's schedule, states' plans for cleaning the bay need to be written by 2011. But the states have until 2025 to ensure that all the cleanup measures, such as new fences to keep cattle out of streams, are in place.

That's not exactly an onerous schedule, said Jeff Corbin, an EPA senior adviser.

"We've been at this for 30 years," Corbin said. "We're going to give them 15 more."

The committee's chairman, Del. Harvey B. Morgan, R-Middlesex, said the time has come to finally clean the bay.

"Hopefully it'll be like a partnership," he said, "and not seem like a mandate from Big Brother."

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### **\$2.25 billion for the Chesapeake Bay, but at what cost? (*Daily Press*)**

Facing an uncertain future as interest groups, chiefly the American Farm Bureau, oppose the regulations attached to it.

July 19, 2010 | By Cory Nealon, [cnealon@dailypress.com](mailto:cnealon@dailypress.com) | 247-4760

Environmental activists call it the most important Chesapeake Bay legislation since Richard Nixon signed the federal Clean Water Act in 1972.

Others, especially the agricultural industry, say it will drive farmers and ranchers from their land.

The Chesapeake Clean Water Ecosystem Restoration Act would pump \$2.25 billion over the next six years into cleaning up the estuary, the nation's largest and home to a once bountiful supply of seafood. For environmental watchdogs, such as the Annapolis, Md.-based Chesapeake Bay Foundation, the bill is long overdue. Past efforts to rid the bay of pollutants, including the landmark Clean Water Act, have largely failed to live up to their promise, they say.

The current bill, written by a pair of Democratic Maryland lawmakers, U.S. Sen. Ben Cardin and Rep. Elijah Cummings, could change that, according to Doug Siglin, the foundation's federal affairs director.

Essentially, the bill would fund the U.S. Environmental Protection Agency's effort to prod Virginia, five other mid-Atlantic states and the District of Columbia to double the pace of their cleanup efforts, Siglin said.

The EPA wants to cut the amount of nitrogen — a pollution indicator that leads to oxygen-deprived dead zones — from entering the bay by about 30 percent by 2025.

States would be given the opportunity to meet the demand. For example, Virginia could target power plant emissions while Maryland clamps down on farm waste. If states do not meet the goals, the EPA can withhold Clean Water Act grants, which in Virginia this year amounts to \$24 million, Siglin said.

The foundation and others have seized upon the increasing sense of environmental awareness created by the Gulf of Mexico oil spill as an added measure for the bill's approval.



"This is extremely important for the bay, its needs to be passed this year," Siglin said.

Whether that will happen is unclear. Powerful interests, such as the American Farm Bureau and various builder associations, have mounted opposition campaigns.

The bureau in particular has been active, encouraging its members to write members of Congress expressing their misgivings about the bill. Greg Hicks, vice president of communications for the Virginia bureau office, said portions of the bill could be devastating to the state's beef and dairy farmers.

### **Environmentalists urge tougher water standards (*Charleston Gazette*)**

CHARLESTON, W.Va. -- Environmentalists said Monday evening that a new water quality standard proposed by West Virginia regulators isn't nearly stringent enough.

Don Garvin, lead lobbyist for the West Virginia Environmental Council, said the standard for total dissolved solids (TDS) pollution in state rivers and streams isn't as stringent as what is recommended by the U.S. Environmental Protection Agency.

Garvin also outlined other steps that he said the state Department of Environmental Protection should have taken as part of its latest proposed changes to state water pollution limits.

"This is just not enough," he said during a DEP public hearing on the proposal, slated for submission for review by lawmakers during next year's regular session.

Garvin urged DEP to also consider adding language to require state permits for large-scale water withdrawals from state streams and adopting an EPA proposal for limiting the electrical conductivity of waterways.

The DEP proposal for TDS, unveiled in late May, would set a legal limit for total dissolved solids in waterways of 500 parts per million. It would apply in-stream to waterways statewide, making it more stringent than the existing standard in Pennsylvania, which applies a standard of 500 parts per million only at the intake pipes for public drinking water systems.

But Garvin said the federal EPA recommends an even tougher standard of 250 parts per million, and that the state DEP has given no clear reason for not adopting the federal recommendation.

Environmental groups and industry are closely watching the DEP action on dissolved solids, which are made up of various salts -- such as chlorides and sulfates -- that are dissolved in water. At high enough levels, such pollutants can be dangerous to aquatic life and can make water used in drinking supplies taste and smell bad.

DEP officials have considered the proposal for more than a year already. Their studies were prompted by TDS problems that brought complaints about unpleasant odors and tastes in drinking water drawn from the Monongahela River in the fall of 2008.

Last fall, a massive fish kill in Dunkard Creek along the Pennsylvania border was blamed at least in part on TDS pollution.

High levels of TDS can come from a variety of sources, including coal-mining discharges. Some citizen groups have become increasingly concerned about TDS from the disposal of fluids from large-scale oil and gas drilling in the Marcellus Shale formation.